IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

WP(C).No. 29489 of 2006(I)

PETITIONER:

GOPISH R.KARTHA,
AGED 17 YEARS, MINOR, REPRESENTED BY HIS FATHER
AND GURARDIAN T.R.VARADARAJAN KARTHA,
KUNLANGARA AKATHOOT HOUSE, IRINGOLE P.O.,
VATTOLIPPADI, ERNAKULAM DISTRICT.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS:

---

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER FOR ENTRANCE
EXAMINATION, THIRUVANANTHAPURAM.

3. THE PRINCIPAL,
COLLEGE OF ENGINEERING, ATTINGAL,
THIRUVANANTHAPURAM.

4. THE PRINCIPAL COLLEGE OF
ENGINEERING, KIDANGOOR, KOTTAYAM.

R1&2 BY G.P. SRI.I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) No.29489 of 2006

.....

Dated this the 22nd day of November, 2006.

JUDGMENT

The petitioner is entitled to concessional rate of fees as he belongs to economically weaker section of the forward community. However, petitioner's grievance is that even though he has exercised higher option for admission in the third respondent-college, petitioner was declined admission and another student who is lower in rank (7558) as against petitioner's rank of 6000 was given admission. Government Pleader concedes that the allotment is made based on rank and options. Therefore, obviously there is violation of norms by denying admission to the petitioner in third respondent-college, but at the same time admitting another person holding lower rank than him in that college in the subject applied for by the petitioner. Both respondents 3 and 4 are under the IHRD, a Government agency. In the circumstances, I feel instead of dislocating the petitioner or the person who is given admission in third respondent-college, the petitioner's interest will be protected by declaring his eligibility for fee concession if he is otherwise eligible irrespective of the college in which he joined. In the circumstances, the 4th respondent is directed to grant fee concession to the

petitioner, if he is otherwise eligible, irrespective of whether admission is given to him in that category or not. The W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms